

IN RE: PETITION FOR ZONING VARIANCE  
NW/5 Merritt Boulevard, 1175' SW  
of the c/l of Meadow Lane  
(1952 Merritt Boulevard)  
12th Election District  
7th Councilmanic District

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-419-A

George Raduano, et ux  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance in which the Petitioners request relief from Section 1802.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 6 feet in lieu of the required minimum of 10 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, by George Raduano, appeared and testified. Also appearing on behalf of the Petition was Walter D. Fetty, Contract Purchaser. There were no Protestants.

Testimony indicated that the subject property, known as 1952 Merritt Boulevard, consists of 9,704 sq.ft. zoned D.R. 5.5 and is presently unimproved. The Petitioners have contracted to sell the subject property to Walter Fetty who is desirous of developing the property with a single family dwelling and attached garage in accordance with Petitioner's Exhibit 1. Evidence presented indicated that the proposed improvements will meet all other setback requirements and that to require strict compliance will result in practical difficulty and unreasonable hardship. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

- 2 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of June, 1992 that the Petition for Zoning Variance requesting relief from Section 1802.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 6 feet in lieu of the required minimum of 10 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

- 3 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

June 16, 1992

Mr. & Mrs. George Raduano  
1955 Sunberry Road  
Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCE  
NW/5 Merritt Boulevard, 1175' SW of the c/l of Meadow Lane  
(1952 Merritt Boulevard)  
12th Election District - 7th Councilmanic District  
George Raduano, et ux - Petitioners  
Case No. 92-419-A

Dear Mr. & Mrs. Raduano:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Walter D. Fetty  
4309 Blakely Avenue, Baltimore, Md. 21236

People's Counsel  
File

ORDER RECEIVED FOR FILING  
Date 6/16/92  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 6/16/92  
By [Signature]



## Petition for Variance

to the Zoning Commissioner of Baltimore County  
for the property located at 1952 MERRITT BLVD.  
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3  
TO PERMIT A SIDE YARD SETBACK OF 6' INSTEAD OF THE REQUIRED 10'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)  
I HAVE ACCESS TO PLANS WHICH MEET OUR NEEDS PERFECTLY, AND IF I AM  
ABLE TO USE THESE PLANS, WE CAN ELIMINATE THE NEED FOR A DENTISTMAN  
WHICH DOES NOT FIT INTO OUR BUDGET WITHOUT A HARDSHIP.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Purchaser/Lessee:

Walter Douglas Fetty

Walter Douglas Fetty

4309 Blakely Ave.

Balto. MD 21236

City State Zipcode

Address

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

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City State Zipcode

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City State Zipcode

MAISTE & WATTS, INC.  
SURVEYORS and ENGINEERS

2923 Chesapeake Avenue  
Baltimore, Maryland 21234  
(301) 882-0321

April 10, 1992

### DESCRIPTION OF 1952 MERRITT BOULEVARD, 12TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same on the Northwest side of Merritt Boulevard, at a point distant 1,175 feet measured Southwesterly along the Northwest side of Merritt Boulevard from its intersection with the centerline of Meadow Lane, thence leaving said place of beginning and the Northwest side of Merritt Boulevard and running the 3 following courses and distances viz:  
1) North 60 degrees 02 minutes 00 seconds West 161.37 feet,  
2) South 29 degrees 58 minutes 00 seconds West 60.00 feet, and  
3) South 60 degrees 02 minutes 00 seconds East 162.11 feet to the Northwest side of said Merritt Boulevard thence running and binding thereon,  
4) North 29 degrees 13 minutes 30 seconds East 60.00 feet to the place of beginning.

Containing 0.22 acres of land, more or less.

This description has been written for zoning purposes only and is not intended to be used for conveyance.

*John Maiste*

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 12TH Date of Posting: 5/12/92

Posted for: George Raduano

Petitioner: George Raduano

Location of property: 1952 Merritt Blvd, NW of Meadow Lane

Location of Sign: Facing West on P.R. 21236

Remarks:

Posted by: [Signature] Date of return: 5/22/92

Number of Signs: 1

### CERTIFICATE OF PUBLICATION

TOWSON, MD. 5/14 92

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/14 92

THE JEFFERSONIAN,

S. Zake On 0-11-92  
Publisher

\$ 44.73

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

COMPUTER DOWN receipt

ITEM # 440: 92-4

Date: 4/24/92  
Pet. DOUG FETTY  
4309 BLAKELY AVE.  
BALTO, MD. 21236

RADUANO

Please Make Check Payable To: Baltimore County  
BA 000232PH04-24-92

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

PAID PER HAND-WRITTEN RECEIPT DATED 4/24/92  
5/04/92 H9200440

PUBLIC HEARING FEES	QTY	PRICE
010 -ZONING VARIANCE (IRL)	1 X	\$50.00
080 -POSTING SIGNS / ADVERTISING	1 X	\$35.00
TOTAL:		\$85.00

LAST NAME OF OWNER: RADUANO

Please Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND  
OFFICE OF REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 123575

DATE: 6/15/92 ACCOUNT: 1615-001

AMOUNT: \$ 44.73

RECEIVED FROM: Walter Fetty

FOR: Pet. 92-419

CHADWICK/CHRC  
04-0011-2240-05-00 \$44.73

VALIDATION OR SIGNATURE OF CASHIER





DED DEPRM RP STP TE

Waldon J. And Margaret O. Stevanus *In process*

Leroy E. Ogle  
Planner III

**Zoning Office USE ONLY!**  
 reviewed by: ITEM #: CASE#:

